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Attorneys for Plaintiff
CITY OF LOS ANGELES

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Superior Court Of California

DEC 07 2018

Sherri R. Carter, Executive Officer/Clerk
By: Cristina Grijalva, Deputy

NO FEE - GOV'T CODE 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CITY OF LOS ANGELES, a municipal corporation, Plaintiff, vs. BIRKDALE STREET, LLC.; BIRKDALE STREET, LLC. II; BIRKDALE STREET, LLC. III; LOS ANGELES COUNTY TAX COLLECTOR Defendants.	Case No.: 18STCV07715 **COMPLAINT IN EMINENT DOMAIN** Parcel No.: 1-BR of the Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project APN No. 5445-003-039

Plaintiff, the City of Los Angeles, a municipal corporation ("City or Plaintiff") hereby complains of defendants and alleges as follows:

1. That Plaintiff is a city duly organized and existing under the laws of the State of California. The real property hereinafter described is located within the municipal limits of the City of Los Angeles, County of Los Angeles, State of California.

2. The Council of the City of Los Angeles has heretofore passed by a vote of not less than two-thirds of all its members and the Mayor has subsequently approved Ordinance

No. 185817, which is now in full force and effect. A certified copy of Ordinance No. 185817 is attached hereto as Exhibit "A".

3. The Council of the City of Los Angeles is the legislative body of the plaintiff. Section 2 of the Ordinance sets forth the public use for which the parcel is to be taken and the statute which authorizes the acquisition of said parcel by eminent domain. The Ordinance further alleges that the necessity and public use for the acquisition is the Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project (Project). In addition, attached hereto as Exhibit "B" is a map which portrays the property to be taken and its location to the Project for which it is required.

4. The nature of the interests to be acquired and the description of the real property in which said interests are to be acquired are identified as Parcel Number 1-BR, and which is more fully described in the legal description(s) attached to Ordinance 185817 in Exhibit A.

The names of the defendants who may have an interest in the subject Parcel Number 1-BR is set forth below; to the extent such interests are known:

PARCEL 1-BR:

BIRKDALE STREET LLC.	Owner (29.77%)
BIRKDALE STREET, LLC. II	Owner (51.63%)
BIRKDALE STREET, LLC. III	Owner (18.60%)

POTENTIAL INTEREST IN ALL PARCELS:

Los Angeles County Tax Collector	Lienholder

5. Pursuant to California Revenue and Taxation Code Section 5083, the amount of taxes, assessments, penalties and costs constituting a lien upon the property sought to be acquired will be deducted from the just compensation to be awarded, unless the taxing agency to whom such taxes, assessments, penalties or costs are owned disclaims its right to receive same.

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WHEREFORE, Plaintiff prays:

1. That the Court determine the amount of compensation to which the defendants are entitled;
2. That the Court issue its final order of condemnation; and
3. For such other relief as may be appropriate.

Dated: December 7, 2018

Respectfully submitted,

MICHAEL N. FEUER, City Attorney
TIMOTHY MCWILLIAMS, Assistant City Attorney
JOHN A. MINOR, Deputy City Attorney

By _____
JOHN A. MINOR
Deputy City Attorney

Attorneys for Plaintiff
THE CITY OF LOS ANGELES

M:\REAL PROP_ENV_LAND USE\REAL PROPERTY_ENVIRONMENT\JOHN MINOR\TAYLOR YARD BIKEWAY AND PEDESTRIAN BRIDGE OVER LOS ANGELES RIVER PROJECT\LITIGATION\COMPLAINT IN EMINENT DOMAIN.DOC

Exhibit A

HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPES
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA

ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. Spring Street, Room 395
Los Angeles, CA 90012
General Information - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER

clerk.lacity.org

CERTIFICATION

I, City Clerk of the City of Los Angeles and ex-officio Clerk of the City Council of the City of Los Angeles, do hereby certify and attest the foregoing to be full, true and correct copy of the original **ORDINANCE 185817,** in its entirety.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Los Angeles, this **16th** day of **November, 2018.**

City Clerk of the City of Los Angeles

By Carolina Peters

Carolina Peters, Deputy Clerk

ORDINANCE NO. 185817

An ordinance of the City of Los Angeles finding that the public interest and necessity require the "Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project," and the acquisition of property therefor (Work Order No. 19007487, Right-of-Way No. 33901-1BR).

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The Council of the City of Los Angeles resolves, finds and determines that the public interest and necessity require the "Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project" (Work Order No. E1907487, Right-of-Way No. 33901-1BR); the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury; the property described herein is necessary for the project; the property has been appraised and an amount has been established for the property which is believed to be just compensation for the property; and an offer has been made to the owner or owners of record to acquire the property for the full amount of said just compensation.

Sec. 2. The property to be acquired is for a Permanent Public Access Easement under the authority of California Government Code Section 37350.5.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a Permanent Public Access Easement located at 2433 Birkdale Street Los Angeles CA 90031. The extent of such acquisition is described by reference to the legal descriptions and R/W Map No. 33901-1BR attached hereto.

Sec. 4. Notice has been given by First Class mail to each person whose property is to be acquired by eminent domain, which notice advised each such person of the intent of the City Council to adopt this ordinance, of the right to appear and be heard by the City Council, and each owner who so requested was given an opportunity to appear and be heard by the City Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire said properties.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
JOHN A. MINOR
Deputy City Attorney

Date August 22, 2018

File No. _____

M:\REAL PROP_ENV_LAND USE\REAL PROPERTY_ENVIRONMENT\JOHN MINOR\TAYLOR YARD BIKEWAY AND PEDESTRIAN BRIDGE OVER LOS ANGELES RIVER PROJECT\ORDINANCE NO.DOCX

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than two-thirds of all its members.

CITY CLERK

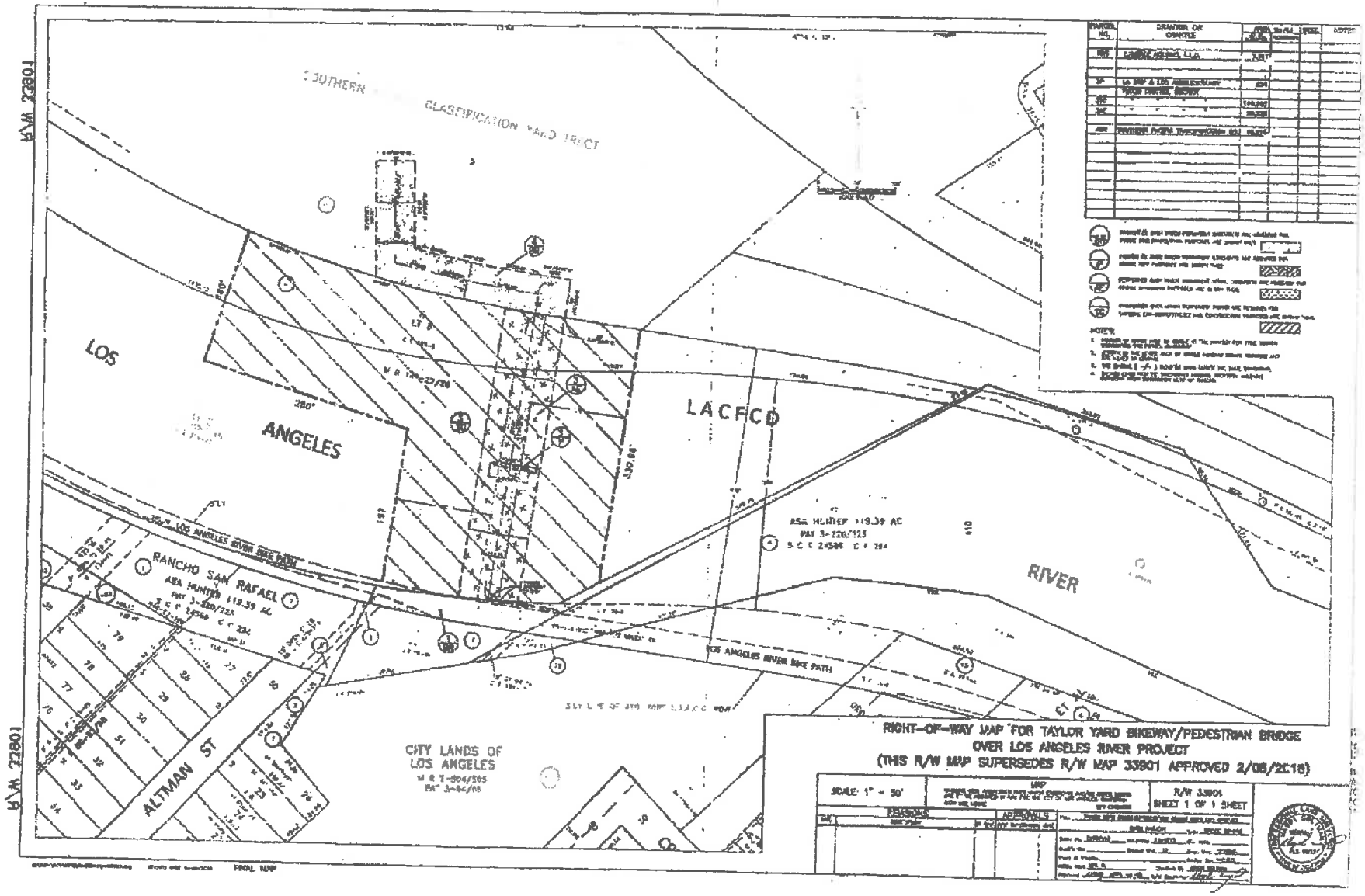
MAYOR

Ordinance Passed 10/30/2018

Approved 10/31/2018

Published Date: 11/06/2018
Ordinance Effective Date: 12/06/2018
Council File No.: 17-0665-S2

Exhibit B


SOUTHERN
CLASSIFICATION YARD TRACT
LOS
ANGELES
LACFCD
RIVER
RANCHO SAN RAFAEL
ASA HUNTER 119.39 AC
LOS ANGELES RIVER BIKE PATH
ALTMAN ST
CITY LANDS OF
LOS ANGELES
RIGHT-OF-WAY MAP FOR TAYLOR YARD BIKEWAY/PEDESTRIAN BRIDGE
OVER LOS ANGELES RIVER PROJECT
(THIS R/W MAP SUPERSEDES R/W MAP 33901 APPROVED 2/08/2018)
SCALE: 1" = 50'
R/W 33901
SHEET 1 OF 1 SHEET
REVISIONS
APPROVALS
FINAL MAP